

EXECUTIVE SESSION

PERMANENT SELECT COMMITTEE ON INTELLIGENCE,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

INTERVIEW OF: STEPHEN BANNON

Thursday, February 15 2018

Washington, D.C.

The interview in the above matter was held in Room HVC-304, Capitol Visitor Center, commencing at 10:51 a.m.

Present: Representatives Conaway, King, Ros-Lehtinen, Stewart, Gowdy, Stefanik, Schiff, Himes, Sewell, Carson, Speier, Quigley, Swalwell, Castro, and

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Appearances:

For the PERMANENT SELECT COMMITTEE ON INTELLIGENCE:

A series of nine horizontal black bars of varying lengths, decreasing from left to right. The bars are evenly spaced and set against a white background.

For STEPHEN BANNON:

ALLISON L. MCGUIRE, ESQ.

WILLIAM BURCK, ESQ.

ALEX SPIRO, ESQ.

QUINN EMANUEL

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██████████ Good morning. This is the committee's interview of Steve Bannon. Thank you for speaking with us again today.

Just a reminder to ensure that everyone has left any electronic devices outside, including iPhones, iPads, FitBits, and anything else that transmits.

For the record, my name is ██████████ I am a staff member for the majority of the committee. Also present today are committee members and staff, who will introduce themselves as these proceedings get underway.

As a bit of background, Mr. Bannon participated in a lengthy interview on January 16th, 2018. During that interview, he answered a number of questions, but there were a significant number he could not answer because he was not authorized by the White House.

The chairman issued two subpoenas to Mr. Bannon during that January 16th interview, one each for his appearance and one for documents. Both subpoenas remain in effect, and he is here today pursuant to the appearance subpoena.

I'll enter the appearance subpoena as exhibit 1 and the document subpoena as exhibit 2 into the record.

[Bannon Exhibit Nos. 1 and 2

were marked for identification.]

██████████ The return date of the appearance subpoena has been amended several times to permit the White House to work through issues pertaining to executive privilege. On February 3rd, 2018, Mr. Bannon's counsel sent the chairman and ranking member a letter listing 14 questions that, quote, "the White House has indicated to us it would not assert executive privilege over."

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I'll enter that letter as exhibit 3.

[Bannon Exhibit No. 3

was marked for identification.]

[REDACTED] I'll also enter into the record as exhibit No. 4 a February 14th, 2018, letter to Chairman Nunes from White House Counsel Don McGahn, copied to the Speaker and the ranking member, laying out the administration's views of executive privilege and how it may apply to the transition period.

[Bannon Exhibit No. 4

was marked for identification.]

[REDACTED] Before we begin, I want to state a few things for the record. The questioning will be conducted by committee members and staff. During the course of the interview, each side may ask questions during their allotted time period. Some questions may seem basic, but that is because we need to clearly establish facts and understand the situation. Please do not assume that we know any facts that you have previously disclosed as part of any other investigation or review.

This interview will be conducted at the unclassified level.

During the course of the interview, we will take any breaks that you desire. We ask that you give complete and fulsome replies to questions based on your best recollection. If a question is unclear or you are uncertain in your response, please let us know. And if you do not know the answer to a question or cannot remember, simply say so.

You are entitled to have counsel present for you during the interview and I see that you do. At this time, if counsel would please state their names for the record.

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MR. BURCK: William Burck from Quinn Emanuel.

MR. SPIRO: Alex Spiro from Quinn Emanuel.

MS. MCGUIRE: Allison McGuire from Quinn Emanuel.

██████████ Thank you. As you can see, this interview will be transcribed.

There is a reporter making a record of these proceedings so we can easily consult a written compilation of your answers. Because the reporter cannot record gestures, we ask that you answer all questions verbally. If you forget to do this, you may be reminded to do so. You may be also asked to spell certain terms or unusual phrases.

Consistent with the committee's rules of procedure, you and your counsel, upon request, will have an opportunity to review the transcript in order to determine whether your answers were correctly transcribed. The transcript will remain in the committee's custody. And the committee reserves the right to request you to return for additional questions, should the need arise.

The process for the interview will be as follows: The minority will be given 45 minutes to ask questions. Then the majority will be given 45 minutes to ask questions. Immediately thereafter, we will take a 5-minute break if you desire, after which time, the minority will be given 15 minutes to ask questions, and the majority will be given 15 minutes to ask questions. These 15-minute rounds will continue until all questioning has been completed. The time will be adhered to by all sides, and the time will also be kept, with 5- and 1-minute warnings, respectively.

To ensure confidentiality, we ask that you not discuss the interview with anyone other than your attorneys. You are reminded that it is unlawful to deliberately provide false information to Members of Congress or their staff.

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And, as discussed earlier, the record will reflect you are here participating in this interview pursuant to a subpoena, and the interview will be under oath.

Mr. Bannon, could you please raise your right hand to be sworn. Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

MR. BANNON: I do.

██████████ Thank you.

Mr. Schiff, you are recognized.

MR. SCHIFF: Thank you.

Mr. Bannon, welcome back to the committee.

As a threshold matter before we get into the substantive questions, I want to ask whether it is your intention to invoke executive privilege as to any of the matters in which we should ask you about today that involve the period of time that you served in the transition, the administration, or after the administration, after your service in the administration?

MR. BANNON: My understanding is the White House has exerted executive privilege over my time at the White House and time in transition.

MR. SCHIFF: We have not received any formal invocation of executive privilege from the White House. That needs to be in writing, with detailed explanations for each and every question for which the privilege is being exerted. Did you bring with you today any written documentation that the White House has invoked executive privilege?

MR. BANNON: No. I left that up to the White House.

MR. SCHIFF: So is your intention today with respect to any questions that you are asked about what you observed, what you discussed, or other matters pertaining to the transition that you will refuse to answer the questions today on

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the basis that the White House has instructed you to invoke executive privilege?

MR. BANNON: Yes, except for there's a set of questions that the White House has informed me that they will not exert executive privilege over during the transition.

MR. SCHIFF: And are these the 14 questions that your counsel sent to the committee that were all answered in the negative?

MR. BANNON: Those 14, and I think there were some additional questions sent.

MR. SCHIFF: Additional questions with negative answers sent to the committee?

MR. BANNON: Yes, that's affirmative.

MR. SCHIFF: I'm sorry?

MR. BANNON: Yes.

MR. SCHIFF: Okay. We'll have to see if we -- Counsel, have we received any additional questions and negative answers from Mr. Bannon or his counsel?

[REDACTED] We've received some questions. We have not received answers.

MR. SCHIFF: But what has been shared with us was a set of 14 questions that Mr. Bannon expressed a willingness to answer and the answer was all "no" for the 14 questions.

If I understand what you're saying today, Mr. Bannon, there were additional questions that you sent to the committee also with a negative answer.

MR. BANNON: It's not about my willingness. It's the White House has sent these questions over. I think there's some additional questions than the 14, and they will all be answered "no."

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MR. SCHIFF: But you sent that by correspondence to the committee?

MR. BANNON: No, I did not.

MR. SCHIFF: And do you have in writing what these additional questions are that you're able to answer, albeit in the negative?

MR. BANNON: Yeah. The Quinn Emanuel lawyers have them.

MR. SCHIFF: Well, will you share that with us so we know the contours of what you'll be able to testify or not testify to today?

MR. BURCK: Mr. Schiff, the White House emailed them to the committee.

MR. SCHIFF: Do we know where those are, Counsel?

And by that, you're referring to an email from Uttam Dhillon to Thomas Hungar (ph), with authorized answers to a set of questions. Is that the followup letter you're referring to?

MR. BURCK: Yes, Mr. Schiff.

MR. SCHIFF: And just so that we have an accurate record, these questions, do they also include the prior 14 or are these additional questions?

MR. BURCK: I believe they include the prior 14 or the total number that the White House has authorized him to answer.

MR. SCHIFF: Let me just count them up for the committee.

Counsel, I count 25 questions that the White House is authorizing the witness to answer.

MR. BURCK: Twenty-five is what I have as well.

MR. SCHIFF: And is that the full universe of questions that you are willing to answer today, Mr. Bannon?

MR. BANNON: This is not about my willingness. This is what has been authorized by the White House.

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MR. SCHIFF: Let me be precise then. Are you asserting, upon instructions from the White House, executive privilege as to any question asked by this committee apart from the 25 enumerated in the email from Uttam Dhillon, dated February 12th, 2018?

MR. BANNON: Yes, the White House is exerting executive privilege. I am following that instruction.

MR. SCHIFF: And how were you informed that the White House was asserting executive privilege over your testimony?

MR. BANNON: Through my lawyer.

MR. SCHIFF: And did the Justice Department provide a legal opinion to the White House to justify this broad invocation of executive privilege?

MR. BANNON: I don't know, sir.

MR. SCHIFF: Mr. Bannon, did you testify before special counsel?

MR. BANNON: I did.

MR. SCHIFF: Did you restrict your testimony concerning the period of time during the transition, administration, and thereafter to these 25 questions, or did you testify more extensively as to those periods of time?

MR. BANNON: I think you should ask that question to Mr. Mueller.

MR. SCHIFF: Well, I'm asking you the question, Mr. Bannon, because if you are selectively seeking, on the White House's behalf, to invoke executive privilege before this committee as to matters that you have already waived any claim of executive privilege as to the special counsel, we need to know it.

MR. BANNON: Yeah. Mr. Mueller specifically requested I not discuss any of my testimony with anyone, and I will respect that request.

MR. SCHIFF: Well, I appreciate your respecting that request, Mr. Bannon.

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Let me ask you, did you testify before special counsel as to matters you are invoking the privilege on today?

MR. BANNON: I told -- Mr. Mueller requested and I confirmed I would not discuss my testimony with Mr. Mueller -- before Mr. Mueller with anyone.

MR. SCHIFF: Are you invoking, on the behalf of the White House, executive privilege as to the question I just asked you?

MR. BANNON: No. I'm just respecting the special counsel Mr. Mueller's request of me.

MR. SCHIFF: Then there is no valid legal basis for you to refuse to answer the question.

I would note for the record that other witnesses who served in the administration and served during the transition have answered questions as to both those periods of time.

Have you been informed by the White House why they are invoking executive privilege as to your testimony but have failed to do so with respect to the same periods of time for other witnesses?

MR. BANNON: No.

MR. SCHIFF: Is your invocation of executive privilege on behalf of the White House that you're making today, are you taking that action based on the advice of White House counsel?

MR. BANNON: No, on the advice of my counsel.

MR. SCHIFF: Now, Mr. McGahn, you also represent the White House counsel, do you not?

MR. BURCK: Mr. Burck.

MR. SCHIFF: Mr. Burck, I'm sorry.

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MR. BURCK: In his personal capacity, yes.

MR. SCHIFF: And so, Mr. Bannon, I just want to make sure you are aware for the record that you are being advised by your counsel not to answer questions on the basis of advice he is getting from another of his clients.

MR. BANNON: I understand that.

MR. SCHIFF: And have you waived any potential conflict that you may have with your counsel's other clients?

MR. BANNON: That falls under attorney-client privilege, so I'm not going to answer that.

MR. SCHIFF: But you are aware there's a potential for conflict between your interests and that of other clients, including White House counsel?

MR. BANNON: Yes, I received advice from my counsel, and I am comfortable with it.

MR. SCHIFF: Well, Mr. Bannon, I want to inform you that there are a great many questions that we have for you, some of which we asked during our prior interview, others that will go beyond the questions we asked during our prior interview, that go well beyond the 25 questions the White House has authorized you to answer.

Part of our House rules provide that if we contemplate holding a witness in contempt, as I will recommend that we do, that we provide the witness an opportunity to explain, either in writing or in person, why he should not be held in contempt.

So we want to give you that opportunity to give this committee any reason you believe you should not be held in contempt for not answering these questions.

MR. BANNON: I have nothing to say to that.

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MR. SCHIFF: What I am going to do then is I will ask you the questions you are authorized to answer, and then I will, for the purposes of the record, ask you some general questions that go beyond this to establish that you are invoking executive privilege upon the request of the White House.

Did you attend the December 1, 2016, meeting?

MR. BANNON: No.

MR. SCHIFF: And which meeting are you referring to in this proposed question?

MR. BURCK: Mr. Schiff, I believe this is the Kislyak, the reported Kislyak-Jared Kushner meeting, correct?

MR. SCHIFF: So you did not attend the Kislyak-Kushner meeting?

MR. BANNON: No.

MR. SCHIFF: Did you have any conversations, either at the time or thereafter, with Mr. Kushner about the December 1st meeting?

MR. BANNON: That's not on the list, and I'm not authorized to answer it.

MR. SCHIFF: Did you ever discuss with the President the December 1st meeting?

MR. BANNON: That's not on the list. I'm not authorized to answer it.

MR. SCHIFF: Were you aware that the meeting was to take place before it took place?

MR. BANNON: That's not on the list. I'm not authorized to answer it.

MR. SCHIFF: Were you debriefed by Mr. Kushner or anyone else about what took place at the meeting?

MR. BANNON: The same answer.

MR. SCHIFF: Let me move on to the second question. Did you ever

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meet Ambassador Kislyak after November 8th?

MR. BANNON: No.

MR. SCHIFF: Did you meet Ambassador Kislyak before November 8th?

MR. BANNON: That's not on the list of questions, and I'm not authorized to answer it.

MR. BURCK: That's during the campaign, correct? Pre-November 8th?

MR. SCHIFF: Well, November 8th is election day.

MR. BANNON: The answer is no.

MR. SCHIFF: Did you have any conversations with Ambassador Kislyak before or after November 8th?

MR. BANNON: As to -- there's two questions there. As to the pre-November 8th, the answer is no. As to the post-November 8th, that's not an authorized question I'm allowed to answer.

MR. SCHIFF: I'll move on to the third question. Were you ever aware that in mid-December 2016 Jared Kushner held a previously undisclosed meeting with Russian Bank Chairman Sergey Gorkov at VEB?

MR. BANNON: No.

MR. SCHIFF: Did you ever discuss with Jared Kushner a meeting that he had with Sergey Gorkov?

MR. BANNON: I'm not authorized to answer that question.

MR. SCHIFF: Well, your question that you were authorized to answer is, were you ever aware? That's not confined as to time of this meeting. Did you at some later point have a conversation with Jared Kushner about a meeting that he had with Russian Bank Chairman Sergey Gorkov?

MR. BANNON: Same answer.

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MR. SCHIFF: So, even though you're authorized to answer a question as to whether you were ever aware of it, you're not going to answer the question?

MR. BANNON: The same answer.

MR. SCHIFF: And that same answer is you're not going to answer the question?

MR. BANNON: I'm not going to answer the question. It's not an authorized question. I'm not going to answer it.

MR. SCHIFF: Did you attend the meeting? I assume this refers to the meeting with Sergey Gorkov and Jared Kushner.

MR. BANNON: No.

MR. SCHIFF: Were you the person who disclosed to The New York Times for their March 27 story that Jared Kushner had met with Sergey Gorkov?

MR. BANNON: No.

MR. SCHIFF: Do you know who was the source of that New York Times story?

MR. BANNON: I'm not authorized to answer that question.

MR. SCHIFF: Were you the one -- did you ever instruct someone to disclose that to The New York Times?

MR. BANNON: The same answer.

MR. SCHIFF: During your time in the White House, did you ever disclose nonpublic information to the press without the authorization of the White House?

MR. BANNON: The same answer.

MR. SCHIFF: Did George Papadopoulos have any designated role during the transition?

MR. BANNON: No.

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MR. SCHIFF: Did you ever have conversations with George Papadopoulos during the transition?

MR. BANNON: That's an unauthorized question. I'm not allowed to answer it.

MR. SCHIFF: Did you ever meet with George Papadopoulos during the transition?

MR. BANNON: The same answer.

MR. SCHIFF: Did you ever discuss with George Papadopoulos what he learned from Russians or Russian intermediaries during the campaign?

MR. BANNON: Can I have that question again?

MR. SCHIFF: Did you ever have a conversation with George Papadopoulos during the campaign, during the transition, or thereafter about his contacts with Russians during the campaign?

MR. BANNON: The answer is for the campaign, no. But for the transition and the time after, I'm not authorized to answer.

MR. SCHIFF: During the transition or during the administration, did Mr. Papadopoulos discuss with you communications he had with other campaign personnel about his Russian contacts?

MR. BANNON: That's not an authorized question. I can't answer it.

MR. SCHIFF: Did George Papadopoulos have an undesignated role during the transition?

MR. BANNON: That's the same answer. It's not an authorized question; I can't answer it.

MR. SCHIFF: So you can tell us he didn't have a designated role, but you can't tell us whether he had an informal role in the transition?

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MR. BANNON: It's not an authorized question, and I can't answer it.

MR. SCHIFF: Were you aware of a January 20, 2017, meeting in Washington, D.C., with Papadopoulos, Priebus, and Greek Defense Minister Kammenos?

MR. BANNON: No.

MR. SCHIFF: Now, are you confining that answer to what you were aware of during the campaign, or are you saying that you were never aware of this meeting until it was -- appeared in the press?

MR. BANNON: That's not an authorized question; I can't answer it.

MR. SCHIFF: Have you ever discussed the Russia investigation with either Speaker Ryan or Chairman Nunes?

MR. BANNON: I can answer the first part of that question with Speaker Ryan is no. And I'm not authorized to answer the second part. It's not an authorized question.

MR. SCHIFF: As to Chairman Nunes?

MR. BANNON: It's not an authorized question.

MR. SCHIFF: Were you ever contacted by WikiLeaks, Julian Assange, or anyone with the organization after November 8th?

MR. BANNON: No.

MR. SCHIFF: Did you ever discuss whether others in the administration or campaign were in communication with WikiLeaks, Julian Assange, or anyone associated with the organization?

MR. BANNON: That's not an authorized question; I can't answer.

MR. SCHIFF: Did you ever discuss with the President-elect campaign contacts with WikiLeaks or Julian Assange?

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MR. BANNON: It's not an authorized question; I can't answer it.

MR. SCHIFF: Did you ever discuss with President Trump campaign contacts with WikiLeaks or Julian Assange?

MR. BANNON: It's not an authorized question; I can't answer it.

MR. SCHIFF: Did you have any conversations with Walid Phares after the campaign?

MR. BANNON: No.

MR. SCHIFF: Do you know whether Walid Phares had communications with others in the transition or White House after the campaign?

MR. BANNON: It's not an authorized question; I can't answer it.

MR. SCHIFF: After the election, did you have any conversations with then-FBI Director Comey about whether or not he should remain the head of the FBI?

MR. BANNON: No.

MR. SCHIFF: After the election, did you have any conversations with then-FBI Director Comey about the Russia investigation?

MR. BANNON: That's not an authorized question; I can't answer it.

MR. SCHIFF: Did you have any conversations with President-elect Trump or President Trump about whether Comey should remain as head of the FBI?

MR. BANNON: It's not an authorized question; I can't answer it.

MR. SCHIFF: So you're authorized to tell us about the absence of conversations with Director Comey on a specific topic, but you're not authorized to tell us about conversations with others in the administration about exactly the same topic at exactly the same time?

MR. BANNON: That's a question you should direct to the White House.

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MR. SCHIFF: I'm asking you.

MR. BANNON: And I gave you my answer. You should direct that question to the White House.

MR. SCHIFF: Well, this question concerns after the election, and you're authorized to answer it because the answer is a "no." But any question that appears where the answer is a yes, you're not authorized to answer. Is that a fair summary of what you've been asked to do by the White House?

MR. BANNON: No.

MR. SCHIFF: Well, this question pertains to after the election. So there are at least some questions you're allowed to answer post-election. Am I right?

MR. BANNON: The ones they've authorized, yes.

MR. SCHIFF: Okay. So we've established that the whole period after the election is not off limits, only questions that are beneficial to the White House. Is that the guiding principle here?

MR. BANNON: Mr. Schiff, you have to direct that to the White House.

MR. SCHIFF: So, just to clarify then, you will answer a question about whether you discussed one thing with the Director of the FBI at the time but not a question about whether you discussed another matter with the Director at the same period of time?

MR. BANNON: I can answer the questions that the White House authorized me to answer.

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[11:20 a.m.]

MR. SCHIFF: I see little point in going through these self-serving questions that are supplied by the White House that are designed to selectively provide information and otherwise stonewall our committee.

You were also asked, Mr. Bannon, to provide documents at our last committee meeting. Have you provided those documents to the committee?

[Discussion off the record.]

MR. BANNON: Yeah. My lawyers are doing that now.

MR. SCHIFF: And is the document production going to be guided by the same instructions from the White House, that any documents that pertain to anything that took place during the transition or during the administration or thereafter will be withheld from the committee?

MR. BURCK: Mr. Schiff, I think I'm better placed to answer that because I don't believe Mr. Bannon has had any conversations with the White House on that topic.

The White House has asked to review any material relating to the transition or to the White House that Mr. Bannon would have in his possession before it's produced to the committee.

MR. SCHIFF: They've asked to review it?

MR. BURCK: Yes.

MR. SCHIFF: But they've not invoked any privilege?

MR. BURCK: The implication has been -- well, not the implication. What they've said is that they may invoke a privilege depending on what there is and if there is material that would be subject to privilege.

MR. SCHIFF: And, Counsel, why has that not been done already? We've

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been at this for weeks now. You represented that those documents would be provided to the committee. Why has that not been done?

MR. BURCK: I don't believe I represented the documents -- the transition and White House documents would be provided to the committee. We can check the transcript. I'm sure I didn't say that. But, in any event, it's with the White House, and I believe the White House is reviewing those documents.

MR. SCHIFF: Well, I believe the conversation that we had was you assumed that we had all the documents relevant to the investigation, they were produced elsewhere --

MR. BURCK: The campaign.

MR. SCHIFF: -- and we asked you to go back and nonetheless produce anything you had relevant to the investigation. And I thought that the agreement was that you would.

MR. BURCK: Mr. Schiff, I'm just -- that is not what we agreed to. We said that we would check on the campaign material. And we have done that. And we are in the process of producing material that we believe will be, if not identical, largely identical to what the committee has already produced -- been produced to the committee by the campaign.

MR. SWALWELL: Mr. Schiff, if I could?

MR. SCHIFF: Yes.

MR. SWALWELL: Referring to the transcript, Counsel, there was an agreement on Mr. Bannon's personal email and text messages, that he would review. And it's pages 29 through 33 where that agreement is struck, that he would review whether anything that related to the campaign -- anything that related to the investigation was in his personal email, that he would go back and

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check and then produce it.

I yield back.

MR. SCHIFF: But you have no documents you're going to produce today?

MR. BURCK: Sorry, say that again.

MR. SCHIFF: You have no documents you're going to produce today?

MR. BURCK: No, we do. We do have documents we're producing today.

MR. SCHIFF: Those were, I think, supposed to be provided before our hearing so we'd have the benefit of going over them. Were they provided before the hearing today?

MR. BURCK: They are being provided today. I'm not sure exactly what time.

MR. SCHIFF: So they'll be provided after he leaves his testimony.

MR. BURCK: Mr. Schiff, as I said, that the campaign documents, as far as we are aware, they are -- the committee has the vast majority of the documents that he would have.

MR. SCHIFF: Well, that's really not the question. The document production that you have for us, you don't have -- you haven't provided before the hearing today, you're not providing during the hearing today. You're going to, what, provide it after the witness is done testifying?

MR. BURCK: Mr. Schiff, I don't know when the documents are going to be produced. I've already said that. I'm not sure exactly what time they'll be produced today.

MR. SCHIFF: Well, I'll yield to my colleagues for any additional questions they have, but it certainly would be my recommendation to my colleagues that we pursue a contempt proceeding. We --

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MR. CASTRO: Mr. Schiff?

MR. SCHIFF: Yes.

MR. CASTRO: May I make one comment?

It appears that not only were the questions supplied but that the answers were supplied also. And it's troubling, especially because we're dealing with a witness here who's represented by an attorney who also represents the White House Counsel. And we need to know whether any of these answers were funneled to the witness through his attorney from the White House Counsel.

MR. SCHIFF: Yes.

Mr. Quigley.

MR. BANNON: Just for clarification, the answers to the 25 questions are my answers.

MR. QUIGLEY: So I just want to make sure, because we're going back and forth on – in the first hearing in which we asked you questions, Mr. Bannon, whether you would or won't answer questions about what took place before or after the campaign. And I'd reference -- this would be on the transcript page 10.

I'm referenced: "Just because they hire people who had some sort of expertise wouldn't indicate that's the entire subject of the probe, to your quote that it's all about money laundering."

I asked, "Was there anything you experienced during the campaign that led you to believe that that was accurate?"

"No, absolutely not."

"Was there anything after that --"

"No."

Finishing the question, I asked, "-- after the campaign that led you to

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believe that anyone associated with the campaign, anyone associated with the White House was involved in money laundering?"

"No."

So there's a whole series of questions there in which I was asking you questions about what took place after the campaign, and you often answered those.

So, again, if there's a privilege, we haven't seen it. And, clearly, there's a selective waiving of that privilege, which I don't know how that works legally, that has already taken place under Mr. Bannon's testimony.

So I would question -- first of all, there's no privilege exerted. Second, if there was, there's a selective response to it by this witness. So it calls into question whether he's able to continue to do that and whether, frankly, Mr. Chairman, we're going to allow him to do that.

All my other questions have been asked and not answered.

MR. SCHIFF: Mr. Swalwell.

MR. SWALWELL: Thank you.

Mr. Bannon, I had asked you the last time we met -- and I would refer counsel to page 32 of the transcript -- if you could go back and review whether there were any email or text messages that were not on the campaign account, communications with General Flynn. Did you go back and check if that existed?

MR. BURCK: Mr. Swalwell, we don't have a copy of the transcript. We're not allowed to have a copy of the transcript.

MR. SWALWELL: You were offered an opportunity to review it.

MR. BURCK: To review it, right. Our associates checked it. But when you refer to a page of the transcript, we've got none.

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MR. SWALWELL: So, Mr. Bannon, do you recall that exchange, that I had asked you if you had communicated with General Flynn on your personal email or personal text message device? Do you remember that exchange?

[Discussion off the record.]

MR. BANNON: No, I don't.

MR. SWALWELL: Would it refresh your recollection if I showed you that exchange? It's page 32.

MR. BANNON: Is there a second copy?

[REDACTED] No.

MR. SWALWELL: Have you reviewed that exchange, Mr. Bannon?

[Discussion off the record.]

MR. BANNON: Yes.

MR. SWALWELL: Okay. Did you go back and indeed, as you told us that you would, check if you had any correspondence with General Flynn?

[Discussion off the record.]

MR. BANNON: My lawyers did.

MR. SWALWELL: Okay. And what did they tell you? Did you?

MR. BURCK: He doesn't have it.

MR. SWALWELL: Okay.

Page 1 --

MR. BURCK: That we found.

MR. SWALWELL: Okay.

Page 124, with respect to Mr. Papadopoulos, did you go back and check if you had any text message or email communication with Mr. Papadopoulos?

[Discussion off the record.]

MR. BANNON: Yeah, I believe my lawyers looked.

MR. SWALWELL: Okay. And what did they find?

MR. BURCK: No texts from Papadopoulos --

MR. SWALWELL: Okay.

MR. BURCK: -- that we found.

MR. SWALWELL: What was the extent of the search? How was it searched, Mr. Bannon?

[Discussion off the record.]

MR. BANNON: Yeah, I don't know. You have to ask my lawyer.

MR. SWALWELL: Okay. Well, who knows?

MR. BURCK: His lawyers do.

MR. SWALWELL: Okay. How'd they search?

MR. BURCK: We searched with -- using the numbers that we were aware of that he had over the course of the time that he knew Mr. Bannon.

MR. SWALWELL: And a complete search of his cell phone, devices, and his email accounts occurred to see if there were any communications with General Flynn and Mr. Papadopoulos?

MR. BURCK: Email accounts or text messages?

MR. SWALWELL: Well, we asked for both.

MR. BURCK: Well, to some extent, this goes into discussion we've had with Special Counsel Mueller, so -- and he has also asked us not to communicate our search terms that he has given us, so I can't reveal that.

MR. SWALWELL: I'm just referring to the search terms that I gave you and that your witness, your client, agreed to last time we met, and one of those was to go through email.

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So did you conduct a complete search of Mr. Bannon's email --

MR. BURCK: Yes.

MR. SWALWELL: -- for correspondence with General Flynn?

MR. BURCK: Yes.

MR. SWALWELL: Okay. And you're telling the committee today that you did not find a single correspondence between General Flynn and your client?

MR. BURCK: That's not the question that was asked. You asked if we found any text messages. The answer was no. Emails, there are some emails, yes.

MR. SWALWELL: Okay. Between General Flynn and Mr. Bannon?

MR. BURCK: Yes.

MR. SWALWELL: Okay. And you'll provide those to the committee?

MR. BURCK: It depends on what the White House says about whether or not they're covered by privilege.

MR. SWALWELL: Well, my question was about during the campaign. And I can't imagine that you would be able to find a privilege that covered the campaign.

MR. BURCK: Oh, campaign. Yes, we will get those, yes.

MR. SWALWELL: Okay. So you --

MR. BURCK: So Flynn and Bannon for campaign, certainly.

MR. SWALWELL: And you did find personal email exchanges between Mr. Bannon and Mr. Flynn during the campaign?

MR. BURCK: Yes.

MR. SWALWELL: Okay. How about personal email exchanges between Mr. Papadopoulos and Mr. Bannon during the campaign?

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MR. BURCK: Yes.

MR. SWALWELL: Okay. And you'll provide those to the committee as well?

MR. BURCK: Yes.

MR. SWALWELL: How about text message exchanges between Mr. Papadopoulos and Mr. Bannon during the campaign?

MR. BURCK: None.

MR. SWALWELL: Okay.

Mr. Bannon, have you spoken with Chairman Nunes since you left the White House?

[Discussion off the record.]

MR. BANNON: To the degree that's a question about the White House, I'm not authorized to answer.

MR. SWALWELL: Well, you would agree that Chairman Nunes is not a part of the executive branch, right?

MR. BANNON: Yes.

MR. SWALWELL: And when you left the White House, I believe it was -- was it August --

MR. BANNON: Yes.

MR. SWALWELL: -- 2017?

MR. BANNON: Yes.

MR. SWALWELL: Once you left the White House, you were no longer a member of the executive branch. Is that right?

MR. BANNON: Yes.

MR. SWALWELL: And so my question is, from the time you left the

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executive branch, did you ever speak with another person, Mr. Nunes, who is not a part of the executive branch, or communicate with Mr. Nunes?

[Discussion off the record.]

MR. BANNON: To the extent that you're asking the questions related back to my time in the White House, I'm not going to be able to answer them.

MR. SWALWELL: I'm just asking if a communication existed post your time at the White House with Chairman Nunes.

[Discussion off the record.]

MR. BANNON: Yes.

MR. SWALWELL: Okay. What was the nature of the communication? What was discussed?

[Discussion off the record.]

MR. BANNON: Yeah, I cannot answer anything about my -- related to my time at the White House.

MR. SWALWELL: No. I'm asking, post your leaving the White House, any communication you had with non-White-House-employee Devin Nunes, what was discussed?

[Discussion off the record.]

MR. BANNON: I can only answer questions not related to my time at the White House.

MR. SWALWELL: How many times did you speak with Chairman Nunes once leaving the White House? And I'm talking about in person, over phone, by email, by any text message communication.

[Discussion off the record.]

MR. BANNON: I don't know.

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MR. SWALWELL: More than once?

MR. BANNON: Probably.

MR. SWALWELL: Okay. Fewer than 10 times?

MR. BANNON: I don't — don't remember.

MR. SWALWELL: Ever involve the Russia investigation?

[Discussion off the record.]

MR. BANNON: That would involve my time at the White House, and I'm not authorized to answer that question.

MR. SWALWELL: Mike, should we take a break for the votes?

THE CHAIRMAN: Yeah.

We've got to vote. We've got four votes, I think. So we'll be back.

[Recess.]

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[12:12 p.m.]

MR. SWALWELL: Mr. Bannon, when did you last speak with Chairman Nunes?

[Discussion off the record.]

MR. BANNON: I don't remember.

MR. SWALWELL: So you told us you spoke with him after you left the White House. You can't tell us whether it involved the Russia investigation. You can't tell us how many times. It was more than once; you're not sure if it's fewer than 10. Does that characterize your recollection?

[Discussion off the record.]

MR. BANNON: I've already answered the question.

MR. SWALWELL: Have you spoken with him in the last week?

[Discussion off the record.]

MR. BANNON: No.

MR. SWALWELL: Have you spoken with him in the last month?

[Discussion off the record.]

MR. BANNON: I don't remember.

MR. SWALWELL: You can't tell us if you've spoken to the chairman of our committee in the last month? You don't remember that?

[Discussion off the record.]

MR. BANNON: I've already answered that question.

MR. SWALWELL: Is this because of some sort of memory-loss issue you have, or what do you attribute this to, that you can't recall if you spoke to someone within the last month?

MR. BANNON: Yeah, I've answered the question.

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MR. SWALWELL: Have you spoken to Michael Cohen since you left the White House?

[Discussion off the record.]

MR. BANNON: No.

██████████ One minute, Mr. Swalwell.

MR. SWALWELL: Have you spoken to Corey Lewandowski since you left the White House?

[Discussion off the record.]

MR. BANNON: Yes.

MR. SWALWELL: Okay. And when I said spoken to Michel Cohen, I mean have you communicated in any way with Michael Cohen.

[Discussion off the record.]

MR. BANNON: No.

MR. SWALWELL: And when you did you last communicate with Mr. Lewandowski?

[Discussion off the record.]

MR. BANNON: Can you repeat the question?

MR. SWALWELL: When did you last speak with Mr. Lewandowski?

MR. BANNON: A couple of days ago.

MR. SWALWELL: Okay. Did you --

██████████ That's time.

MR. SWALWELL: Thanks. Yield back.

MR. GOWDY: Mr. Bannon, I want to ask you a series of questions so I can hopefully better understand the scope of the privilege that you are relying upon today.

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I heard the word "testify," maybe the word "interview." Did you testify before special counsel or were you interviewed by special counsel?

[Discussion off the record.]

MR. BANNON: Interviewed.

MR. GOWDY: Was that subject to 1001, or was there an oath administered?

[Discussion off the record.]

MR. BANNON: 1001.

MR. GOWDY: Did you assert any privileges during that interview?

[Discussion off the record.]

MR. BANNON: I'm going to respect Mr. Mueller's request not to discuss anything about the interview.

MR. GOWDY: Well, I'm not asking you anything of substance. I'm just asking you whether or not you asserted any privileges or whether there were otherwise questions you would not answer. I'm not going to ask you what those questions were.

[Discussion off the record.]

MR. BANNON: Same answer.

MR. GOWDY: I'm trying to understand on the scope of the privilege being asserted this morning. Did the White House direct you not to answer certain questions, or did the White House authorize you only to answer certain questions?

[Discussion off the record.]

MR. BANNON: Both.

MR. GOWDY: So if there were a question not on this list of 25 that the White House specifically did not direct you not to answer, you would answer them

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this morning?

[Discussion off the record.]

MR. BURCK: Mr. Gowdy, I'm not sure he understood the question. Could you just repeat that?

MR. GOWDY: Yeah. To me, there's a difference between being authorized to only answer certain questions and being forbidden from answering certain questions. And I'm trying to understand whether you were only authorized to answer certain questions or you were forbidden from answering others and, if Mr. Schiff or myself happened to stumble upon a question that you were not forbidden from answering, even though it's not on this list, you would answer it.

[Discussion off the record.]

MR. BANNON: I'm forbidden from answering questions on the transition that are not part of the 25.

MR. GOWDY: Only during the transition.

MR. BANNON: And the White House.

MR. GOWDY: How about after you left the White House?

[Discussion off the record.]

MR. BANNON: If it relates back to the White House, then I'm still forbidden.

MR. GOWDY: Are we to assume from that that your refusal to answer questions about Chairman Nunes means that the subject matter related to something while you were at the White House?

[Discussion off the record.]

MR. BANNON: Yes.

MR. GOWDY: Who decided which questions you could answer?

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MR. BANNON: The White House.

MR. GOWDY: Who specifically at the White House?

[Discussion off the record.]

MR. BANNON: Uttam Dhillon.

MR. QUIGLEY: I didn't hear that.

MR. BANNON: Uttam Dhillon.

MR. GOWDY: What communications, if any, during the transition do you believe are protected?

[Discussion off the record.]

MR. BANNON: I'm not a lawyer, so I don't know the answer.

MR. GOWDY: You don't have to be one to have an opinion. You're the one -- you're the one that contempt to Congress is being bandied about, so --

MR. BANNON: I don't have an opinion.

MR. GOWDY: You don't know the scope of the privilege as it may or may not relate to the transition?

[Discussion off the record.]

MR. BANNON: I've been given questions by the White House, which are the ones I'm allowed to answer about that time period.

MR. GOWDY: So the only questions you're allowed to answer are ones that we happened to get out the last time we were together that the White House has approved?

[Discussion off the record.]

MR. BANNON: Same answer.

MR. GOWDY: And you're not authorized to answer any questions during the transition period that we didn't also happen to ask during the last time we were

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together.

[Discussion off the record.]

MR. BANNON: Same answer.

MR. GOWDY: What communications during your time at the White House do you believe are protected by the privilege upon which you rely this morning?

[Discussion off the record.]

MR. BANNON: I don't know.

MR. GOWDY: You don't know which privilege you are relying upon to not answer questions?

[Discussion off the record.]

MR. BANNON: Executive privilege, but I don't know what the scope of it is.

MR. GOWDY: Could you answer questions about where you ate during the transition period?

MR. BURCK: The answer to that would of course be, yes, he could answer questions about where he ate. But you don't believe that's ■ subject of the subpoena that he's been given, so I think it would be --

MR. GOWDY: I'm just trying to set a really low threshold for --

MR. BURCK: I understand.

MR. GOWDY: Can you answer questions about communications you had with family members during the time of the transition?

MR. BURCK: Not his wife.

MR. GOWDY: I don't think he's relying on that privilege this morning, but he may. The day is not over with.

MR. BURCK: It's his wife's privilege.

MR. GOWDY: Can you answer questions about communications you had

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with family members?

[Discussion off the record.]

MR. BANNON: Yeah, these are all questions I don't know the answer to.

MR. GOWDY: Can you answer questions related to conversations you had with people other than the President-elect?

[Discussion off the record.]

MR. BANNON: Same answer.

MR. GOWDY: Is it your position that communications you had after you separated from service at the White House are also protected by executive privilege?

[Discussion off the record.]

MR. BANNON: Same answer.

MR. GOWDY: You're going to have to refresh my recollection on what that answer was.

[Discussion off the record.]

MR. BANNON: I'm not a lawyer, so I don't have an opinion.

MR. GOWDY: Well, if you're not able to answer questions about conversations you had after you separated from service with the White House, that's going to greatly limit your ability to talk to anyone. So surely you're having conversations with someone since you've separated from service.

[Discussion off the record.]

MR. GOWDY: Aren't you?

MR. BANNON: Can you rephrase the question?

MR. GOWDY: Sure. I'm trying to determine the -- you, I think, said your answer was the same answer, that you're not a lawyer, when I asked the scope of

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the privilege as it relates to conversations you had after you separated from service at the White House.

And I'm trying to get a sense – I think I asked you about where you ate, and then I asked you about family members, whether or not you can have communications with them about matters after you separated from service at the White House. And I think your answer was you're not a lawyer.

MR. BURCK: I'm not sure there's a question pending.

MR. GOWDY: Is that your answer?

[Discussion off the record.]

MR. BANNON: The same answer.

MR. GOWDY: Did the White House authorize you to talk to any media during the transition time period?

[Discussion off the record.]

MR. BANNON: That's not a question I'm authorized by the White House to answer.

MR. GOWDY: Did you have any conversations with the media that were not known by or authorized by the White House during the transition time period?

MR. BANNON: That's not a question I'm authorized to answer.

MR. GOWDY: And that's where I'm struggling. I'm trying to struggle with how privilege can apply to something when the person who holds the privilege had no idea and did not authorize you to have the conversation.

[Discussion off the record.]

MR. BANNON: That's a question for the White House.

MR. GOWDY: Were you interviewed by The Guardian?

[Discussion off the record.]

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MR. BANNON: When?

MR. GOWDY: January of 2018.

MR. BANNON: That's a question I'm not authorized to answer.

[Discussion off the record.]

MR. BANNON: I'm not authorized to answer that question.

MR. GOWDY: Did you submit to an interview, singular, or interviews, plural, with an author, last name Wolff, author of a book titled "Fire and Fury"?

[Discussion off the record.]

MR. BANNON: I think I answered that question last time.

MR. GOWDY: What was the answer?

MR. BANNON: Yes.

MR. GOWDY: What were the time periods where you were answering those questions?

[Discussion off the record.]

MR. BANNON: I'm not authorized to answer that question.

MR. GOWDY: Was it while you were at the White House?

MR. BANNON: I'm not authorized to answer that question.

MR. GOWDY: I'm sure you can see I'm struggling with how you can conduct an interview with an author during the time period but you can't tell us when that time period was.

[Discussion off the record.]

MR. BANNON: Yeah, I think that's a better question directed to the White House, White House Counsel.

MR. GOWDY: Did you check with White House Counsel before you submitted to the interview with author Wolff?

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[Discussion off the record.]

MR. BANNON: Yeah, that's not a question I'm authorized to answer.

MR. GOWDY: Why was that not your answer when you were interviewed by author Wolff, "I think that's a question better handled by White House Counsel"?

[Discussion off the record.]

MR. BANNON: Yeah, that's not a question I'm allowed to answer.

MR. GOWDY: Did you say, quote, "It's the dumbest political decision in modern history, bar none, a self-inflicted wound of massive proportions"?

[Discussion off the record.]

MR. BANNON: If I answered the last time, that's the answer. If not, I'm not allowed to -- I'm not authorized to answer.

MR. GOWDY: Do you know the time period in which that quote would have been uttered?

[Discussion off the record.]

MR. BANNON: That's not a question I can answer.

MR. GOWDY: Because of your reliance on a privilege or because of a failure of memory?

[Discussion off the record.]

MR. BANNON: By the privilege.

MR. GOWDY: You can't even tell us what portion of your association with the executive branch you're relying on so we might be better positioned to know, from a legal standpoint, if it's the transition, that's one analysis; if it's while you're at the White House, that's a separate analysis; if it's after you separated from service, that's yet a third analysis.

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[Discussion off the record.]

MR. BANNON: I think that's better addressed to the White House, not me.

MR. GOWDY: How will the White House know when you uttered that quote?

[Discussion off the record.]

MR. BANNON: They could talk to my lawyers.

MR. GOWDY: Did you say, "I said the establishment is trying to nullify your election"?

[Discussion off the record.]

MR. BANNON: Yeah, I think I answered that last time. I stand by that answer. But I'm not authorized to answer the question now.

MR. GOWDY: I think the last time we were making some headway with what you meant by "the establishment." I think, if I recall your testimony correctly, you included Leader McConnell and Speaker Ryan but you needed more time to reflect upon whether or not you were including Leader McCarthy. Has the additional time helped you be able to answer the question from our last session?

MR. BANNON: I stand by my answer last time. Otherwise, I'm not authorized to answer that question.

MR. BURCK: He wants to correct the last part. He's not relying on the White House's assertion to -- on your question, Mr. Gowdy. He's only saying that he's sticking with his prior answer.

MR. GOWDY: Well, I would say to counsel that his answer to me last time was that he needed more time to reflect on that. And I'm wondering whether or not the additional time has helped him reflect on that.

[Discussion off the record.]

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MR. BURCK: I'm sorry about the amount of time.

MR. BANNON: The additional time has not changed my answer.

MR. GOWDY: Can you tell us with specificity what actions taken or actions not taken by Speaker Ryan led you to believe he was trying to nullify the 2016 election results?

[Discussion off the record.]

MR. BANNON: Yeah, he's a more mainstream Republican than I am, and we disagree on a lot of things.

MR. GOWDY: That's a great introductory sentence to answering the questions of what actions he took or actions he did not take that you think he should have where he sought to nullify –

MR. BANNON: I don't remember, right now, those actions.

MR. GOWDY: You would agree that's a pretty serious charge to level at someone, that they want to nullify the election results?

MR. BANNON: I've answered the question.

MR. GOWDY: Do you know Chris Whipple?

[Discussion off the record.]

MR. BANNON: I don't know if I do or not.

MR. GOWDY: He quotes you as saying, "You've got Mueller's team. We just got 19 killers who are all experts in wire fraud, money laundering, and tax evasion." Do you recall saying that?

MR. BANNON: No.

MR. GOWDY: How about this? "It's like no one took down the Gambino family. Mueller is doing a roll-up just like he did with the Gambinos." Do you remember saying that?

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[Discussion off the record.]

MR. BANNON: Don't remember.

MR. GOWDY: "They're going to crack Don Jr. like an egg on national television." Do you remember saying that?

[Discussion off the record.]

MR. BANNON: I answered that last time.

MR. GOWDY: Refresh my recollection on what the answer was.

[Discussion off the record.]

MR. BANNON: It's in the transcript.

MR. GOWDY: Who's "they"?

MR. BANNON: I answered that question last time.

MR. GOWDY: Did you have any conversations with Senator Sessions after the election about whether he would need to recuse himself?

[Discussion off the record.]

MR. BANNON: That's not an authorized question — or not a question I'm authorized to answer.

MR. GOWDY: Did you have any conversations with then-FBI Director Comey after the election about whether or not he would remain the head of the FBI?

[Discussion off the record.]

MR. BANNON: I think I was asked and answered that.

MR. GOWDY: All right. I think I've asked this question before. I'm not -- maybe I'm slow. Maybe the answer is readily apparent and I'm not grasping it.

I'm trying to understand how you can answer certain questions from certain

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questioners during all relevant time periods -- transition, your time at the White House, and after you separated -- but you can't answer similar questions on the same subject matter from other questioners. Because I'm afraid a cynic might consider that to be a very selective invocation of executive privilege, which may be a first covenant of waiver.

So how do you determine who you will answer questions from and who you will not?

[Discussion off the record.]

MR. BANNON: The White House has given me a set of questions I'm authorized to answer.

MR. GOWDY: Did you run previous interviews with journalists, media personalities, on or off the record, by the White House before you submitted to those interviews?

MR. BANNON: That's a question I'm not authorized to answer.

MR. GOWDY: I think that's all I have, Chairman.

MR. CONAWAY: All right.

Mr. Bannon, we do have a list questions that you were authorized to answer. Just to make sure we get a complete record of those, I'll walk us through those questions, if you don't mind.

Was the purpose of your phone call with Sean Spicer after The New York Times and Washington Post broke the story about the Trump Tower meeting to determine how the White House ought to respond or frame a response to the disclosure about the Trump Tower meeting?

MR. BANNON: No.

MR. CONAWAY: Did you tell The Washington Post about the meeting

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prior to their reporting it on May 26 of 2017?

MR. BANNON: No.

MR. CONAWAY: After November 8th, 2016, did you meet with Ambassador Kislyak?

MR. BANNON: No.

MR. CONAWAY: On March 27, 2017, The New York Times reported that in mid-December of 2016 Kushner met with Sergei Gorkov of the VEB. Were you aware of this meeting?

MR. BANNON: No.

MR. CONAWAY: Did you attend a December 2016 meeting with Kushner that Kushner had with Gorkov?

MR. BANNON: No.

MR. CONAWAY: Did Mr. Prince have any role in the current administration?

MR. BANNON: No.

MR. CONAWAY: Was there any discussion on January 27th, 2017, at the White House regarding Mr. Papadopoulos, who was contacted by the FBI that day?

MR. BANNON: No.

MR. CONAWAY: Has Mr. Papadopoulos had any contact with anyone at the White House concerning the fact that the FBI had approached him?

MR. BANNON: Not to my knowledge.

MR. CONAWAY: Was the fact that the FBI approached Mr. Papadopoulos on January 27th communicated to President Trump?

MR. BANNON: Not to my knowledge.

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MR. CONAWAY: Did Mr. Trump ever discuss with you any conversations between Donald Trump Jr. and WikiLeaks after the election?

MR. BANNON: No.

MR. CONAWAY: Did you ever meet with Devin Nunes about the Russia investigation?

MR. BANNON: No.

MR. CONAWAY: While at the White House, were you ever instructed to take any action that you believe could hinder the Russian investigation in any way?

MR. BANNON: No.

MR. CONAWAY: Were you ever given any instruction at the White House that you felt might amount to an effort to obstruct justice?

MR. BANNON: No.

MR. CONAWAY: Did you have any conversations with Director Comey after the election about whether he would remain the head of the FBI?

MR. BANNON: No.

MR. CONAWAY: Once you were part of the administration, were you a part of any discussions about how to approach the Russian, vis-à-vis the sanctions, whether to do away with them or in any way minimize the effects of the sanctions?

MR. BANNON: No.

MR. CONAWAY: You got anything else?

All right. Yield back the time.

Mr. Schiff.

MR. SCHIFF: Thank you, Mr. Chairman.

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Mr. Bannon, who wrote these questions?

[Discussion off the record.]

MR. BANNON: My understanding, Mr. Schiff, is that these came from the transcript.

MR. SCHIFF: No, no, no. The questions that Mr. Conaway just asked you the questions. I asked you earlier if you had been authorized by the White House to answer all in the negative. Who wrote these questions?

MR. BANNON: Same answer.

MR. SCHIFF: What's the same answer? Who wrote the questions?

MR. BANNON: My understanding is they came from the transcript.

MR. SCHIFF: What transcript are you talking about?

MR. BANNON: This transcript of my first interview.

MR. SCHIFF: No, no, no. You've given us, through your counsel, 25 questions that you can answer today, all in the negative. Who wrote these questions?

MR. BURCK: Let me see if I could -- he's answering correctly. These were drawn from the transcript of the questions that were asked during the first deposition that the White House --

MR. SCHIFF: That's not my question. My question is: We have very specific questions that ask about very specific things that all must be answered with "no." Any deviation from this, he refuses to answer. So these were not verbatim questions from any transcript. Who wrote these questions?

MR. BANNON: Same answer.

MR. SCHIFF: You haven't given an answer. So who wrote these questions?

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MR. BANNON: You mean who actually physically wrote those?

MR. SCHIFF: Yes. Who came up with these questions?

MR. BANNON: I don't know.

MR. SCHIFF: Well, how were they produced? How do you know that the White House has authorized you to answer them?

[Discussion off the record.]

MR. BANNON: My counsel informed me that these were the questions the White House authorized me to answer.

MR. SCHIFF: But you didn't write these questions?

MR. BANNON: No.

MR. SCHIFF: And your counsel didn't write these questions?

MR. BANNON: No.

MR. SCHIFF: So these questions were supplied to you by the White House?

[Discussion off the record.]

MR. BANNON: As far as I know.

MR. SCHIFF: So one of the questions that you were supplied by the White House was, has Mr. Papadopoulos had any contact with anyone at the White House concerning the fact that he had been -- that the FBI had approached him? How do you know the answer to that, Mr. Bannon?

[Discussion off the record.]

MR. BANNON: Can you just ask the question again?

MR. SCHIFF: Yes. One of the questions that the White House gave you to answer to our committee was, has Mr. Papadopoulos had any contact with anyone at the White House concerning the fact that the FBI had approached him?

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MR. BANNON: I think I said, "Not to my knowledge."

MR. SCHIFF: So you really did don't know, do you?

MR. BANNON: That's -- not to my knowledge.

MR. SCHIFF: Why did the White House propose a question to you that you couldn't answer within your knowledge?

[Discussion off the record.]

MR. BANNON: You have to ask the White House that.

MR. SCHIFF: Did the White House instruct you to answer these questions in the negative?

MR. BANNON: No, sir.

MR. SCHIFF: How did they know you would answer them in the negative?

[Discussion off the record.]

MR. BANNON: I don't know they do know that.

MR. SCHIFF: Have you had conversations with the White House about your testimony today?

MR. BANNON: No, I have not.

MR. SCHIFF: So the only information you have about these questions you have through your counsel?

MR. BANNON: Yes, sir.

MR. SCHIFF: Now, I see there's a question on here, did you ever meet with Devin Nunes about the Russia investigation, and you've answered that "no." But you've also answered, when my colleague asked you, that you have discussed -- you had discussions with Mr. Nunes and you refused to answer the question about whether it was about the Russian investigation. Is that correct?

[Discussion off the record.]

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MR. BANNON: However I answered, it's in the transcript.

MR. SCHIFF: Let me just ask you again. Did you ever meet with Devin Nunes about the Russian investigation?

MR. BANNON: No.

MR. SCHIFF: Did you ever discuss the Russia investigation with Devin Nunes?

[Discussion off the record.]

MR. BANNON: That's not a question I'm authorized to answer.

MR. SCHIFF: But you did acknowledge that you've had discussions with Chairman Nunes that you refuse to answer questions about.

[Discussion off the record.]

MR. BANNON: Mr. Schiff, I answered the question how I answered it.

MR. SCHIFF: Does that mean that your discussions with Mr. Nunes took place not in person but by telephone?

MR. BANNON: I already answered the question.

MR. SCHIFF: Well, it appears these questions were written, Mr. Bannon, to be deliberately misleading. To ask a narrow question, "Did you meet with Chairman Nunes about the investigation," but not, "Did you talk with him?" Would you agree that this is misleading to this committee?

MR. BANNON: No, sir.

MR. SCHIFF: Let me just clarify this for the record so we're absolutely certain. Are you today in your refusal to answer these questions invoking executive privilege upon the instructions of the White House?

[Discussion off the record.]

MR. BANNON: I think it is the White House that is invoking executive

privilege.

MR. SCHIFF: But they have instructed you to refuse to answer these questions on the basis of their invocation of executive privilege.

MR. BANNON: That's correct, yes.

MR. SCHIFF: And that also includes matters that you've previously testified to before this committee, so that when Mr. Gowdy asked you about your conversations with the author of "Fire and Fury," even though you had discussed that in your prior testimony, you're unwilling to discuss that in today's testimony, on the basis of a claim of executive privilege by the executive?

[Discussion off the record.]

MR. BANNON: I think, on the prior interview, the questions I answered I stick by those answers, but anything else I'm not authorized to answer.

MR. SCHIFF: So the White House position is that they can claim executive privilege about conversations you've already testified to. Is that correct?

[Discussion off the record.]

MR. BANNON: I don't know.

MR. SCHIFF: Well, you won't answer Mr. Gowdy's questions about your conversations with the author of the "Fire and Fury" beyond your prior answers, is that correct, on the basis of the White House's invocation of executive privilege?

[Discussion off the record.]

MR. BANNON: Same answer.

MR. SCHIFF: Is this the first body that you've invoked executive privilege in order to refuse to answer questions?

[Discussion off the record.]

MR. BANNON: That's not an authorized question I can answer.

MR. SCHIFF: I'm not asking you about anything during your transition or after your service in the administration. I want to understand whether you have waived the executive privilege if one were to be said to apply? Have you invoked the executive's claim of privilege to refuse to answer any question to anybody besides this one?

MR. BANNON: Same answer.

MR. SCHIFF: And so you -- the White House has instructed you that you are not permitted to discuss the scope or waiver of executive privilege by claiming executive privilege.

MR. BANNON: Same answer.

██████████ 5 minutes, Mr. Schiff.

MR. SCHIFF: Please discuss any meetings or conversations you had during the transition about the Russian investigation.

MR. BANNON: I'm not authorized to answer that question.

MR. SCHIFF: Please discuss any meetings or conversations you had about Russian interference in our election and any Trump campaign involvement that you had while in the administration.

MR. BANNON: I'm not authorized to answer that question.

MR. SCHIFF: Please discuss any conversations or meetings or communications that you were a participant in that involved the subject of Russia's interference in our election and any Trump campaign involvement in that interference that took place after you left the White House.

MR. BANNON: I'm not authorized to answer that question.

MR. SCHIFF: Any further questions?

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MR. SWALWELL: Yes.

Mr. Bannon, you testified to Mr. Schiff that the 25 questions that we went through were questions from the transcript. Do you remember providing that answer to Mr. Schiff?

MR. BANNON: Yes -- my understanding.

MR. SWALWELL: How did the White House get questions from our transcript?

MR. BANNON: I don't know.

MR. SWALWELL: You heard your lawyer complain earlier that even he wasn't able to take our transcript out of the building. Did you hear him say that?

MR. BANNON: Yes.

MR. SWALWELL: You have routinely referred to questions and answers that have been asked before on January 16 when we last met here, which was 30 days ago, with ■ pretty clear recall. Would you agree, that you've been able to tell us ■ number of times said that something happened 30 days ago, you remember, you were already asked about that?

MR. BANNON: I think I've answered the questions as best I can recall.

MR. SWALWELL: And -- but you have no recall as to whether you met with Chairman Nunes in the last 30 days? I'm just trying to understand how your memory works, that you can tell us what you did and didn't answer 30 days ago, but you can't tell us whether you met with Chairman Nunes or talked with him in the last 30 days.

MR. BANNON: The same answer I gave before.

MR. SWALWELL: The times that you did meet with -- the times that you did communicate with Chairman Nunes, were they ever in person, post-White

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House all the way up until today?

[Discussion off the record.]

MR. BANNON: Yes.

MR. SWALWELL: More than once in person?

MR. BANNON: I don't remember.

MR. SWALWELL: Was the last meeting in person?

[Discussion off the record.]

MR. BANNON: If by definition a meeting's in person, then the answer is yes.

MR. SWALWELL: Well, did you ever talk to him over the phone?

[Discussion off the record.]

MR. BANNON: Yes.

MR. SWALWELL: Did you ever communicate with him by text message?

MR. BANNON: Don't remember.

MR. SWALWELL: Did you ever communicate with him by email?

MR. BANNON: Don't remember.

██████████ One minute, Mr. Swalwell.

MR. SWALWELL: Did you ever talk to Mr. Lewandowski about the Russia investigation? And I'm just talking about post your time at the White House up until today.

MR. BANNON: I'm not authorized to discuss that.

MR. SWALWELL: Why not?

MR. BANNON: It relates to my time in the White House, and it's not one of the authorized questions I'm authorized -- not one of the questions I'm authorized to answer.

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MR. SWALWELL: Whose idea was it for you to testify to our committee last month?

[Discussion off the record.]

MR. BANNON: I think the committee asked me to come.

MR. SWALWELL: Did you know that that was going to happen? Did you have any prior knowledge?

[Discussion off the record.]

MR. BANNON: No.

██████████ That's time, sir.

MR. CONAWAY: We're good. Go ahead.

MR. SWALWELL: When was the last time you met with or communicated with Mr. Lewandowski? I think it was 2 to 3 days ago you said. Is that correct?

MR. BANNON: Whatever my answer was.

MR. SWALWELL: Since you left the White House, have you communicated with Reince Priebus?

[Discussion off the record.]

MR. BANNON: Can I have the question again?

MR. SWALWELL: Since you've left the White House, have you communicated with Reince Priebus?

MR. BANNON: Yes.

MR. SWALWELL: Have you communicated with Mr. Priebus about the Russia investigation?

MR. BANNON: I'm not authorized to discuss that.

MR. SWALWELL: Since you left the White House, have you communicated with Donald Trump Jr.?

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[Discussion off the record.]

MR. BANNON: No.

MR. SWALWELL: I'll yield back to Mr. Schiff.

MR. SCHIFF: Let me ask one last question, and then I'll yield to my colleagues. I just want to follow up on Mr. Swalwell's question. Does the White House have a copy of the transcript of your testimony?

[Discussion off the record.]

MR. BANNON: I don't know.

MR. SCHIFF: On what basis, then, did you testify earlier that these questions were drafted from the transcript?

[Discussion off the record.]

MR. BANNON: That's my understanding from my lawyers.

MR. SCHIFF: Counsel, does the White House have a copy of this transcript?

MR. BURCK: I have no idea.

MR. SCHIFF: Your client just said that he understood that that was how these questions were drafted, on the basis of his conversation with counsel.

MR. BURCK: Again, I have no idea if they have a copy of the transcript or not. I don't -- I don't have a copy of the transcript right now.

MR. SWALWELL: Mr. Schiff, may I?

MR. SCHIFF: Yeah.

MR. SWALWELL: Counsel, did you relay back to the White House information from the transcript that you reviewed here?

MR. BURCK: We sent a letter to the whole committee about exactly that issue. And the committee then sent us a response, with the minority saying, yes,

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please relay the questions back to the White House.

We have the correspondence. We can show you.

MR. SCHIFF: Okay. Well, I think that's all the questions we have. I'd just make a couple observations.

There's no basis for you to refuse to answer questions about whether the executive privilege has been waived before other bodies. I don't believe that Mr. Mueller ever instructed you not to answer whether you invoked privilege.

And to the degree that there would be any claim of privilege, you have effectively waived it by selectively deciding to answer questions about this entire period. And I firmly think that it will be necessary to institute contempt proceedings.

I want to congratulate you, Mr. Bannon. You have done the impossible. You have united our committee.

And, with that, I'll yield to my colleague.

MR. CONAWAY: All right.

Anything else, fellas?

██████████ None for me.

MR. CONAWAY: Mr. Bannon, thank you for being here. And we will -- we may or may not be in touch with you. Thank you, sir.

MR. BANNON: Thank you.

MR. SPIRO: Thank you.

MR. BURCK: Thank you.

[Whereupon, at 1:00 p.m., the interview was concluded.]

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